

fund it. That is what the Congress does, we either put up the money or we do not put up the money. By a vote of 80 to 14 we put up the money to fund this strategy. We asked for a report in September, and now we have an amendment that has garnered quite a lot of political headlines and provided a lot of forums, a lot of ability to come forward on the floor of the Senate to attack President Bush and Republicans, but it is not a very responsible thing.

The responsible thing is for us to do what we said 53 days ago—to demand a full, complete, and honest report by General Petraeus in September, and at that point to evaluate the situation in Iraq and establish a strategy and a policy going forward from there that serves our national interest.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa.

Mr. GRASSLEY. Madam President, I rise to discuss an amendment I can't offer right now because of the parliamentary situation, but I would like to discuss the amendment with my colleagues so they know it is coming and what it does.

My amendment to the Department of Defense authorization bill is meant to strengthen our efforts to verify if people in the United States are here legally to do their work. It deals with the Department of Defense because when it comes to the Department itself and to contractors who do Defense Department work, we ought to make sure that everybody who is working here has been here legally. That is for two reasons: One, because that is what the law says. You should not be in the country if you don't have the permission of our Government legally to be here. No. 2, one of the things we are concerned about in enforcing of the immigration laws is to make sure that terrorists don't get into the country. We should be particularly concerned that we don't have people with terrorist connections working for our contractors or working for the Government itself.

Without a doubt, we have an illegal immigration problem. That was evident from the legitimate hoorah people raised against the bill and against the amnesty provisions of it and the 2 weeks of debate we had this spring on the issue. People are crossing our borders each day to live and work in the United States. Some of these individuals may have innocent motives but some may not. There may be some illegal or undocumented individuals living in the shadows who aim to bypass law enforcement and do our country harm. We don't live in a pre-9/11 world anymore, so we must do all we can to protect our country and our assets.

My amendment would do two things. First, it would require all Federal Government agencies and departments to use what we call the basic pilot program, also known as the Electronic Employment Verification System. This would be for all departments of Gov-

ernment. I will soon demonstrate that a lot of departments are already doing it. But we ought to, particularly in a bill such as this, make sure the Department of Defense is using it in every respect.

The second part of the amendment would require all Department of Defense contractors to use the basic pilot to check the eligibility of their workers. The reason this is needed and why it is appropriate in the bill before us is, the Immigration Reform and Control Act of 1986 makes it unlawful for employers to knowingly—and I emphasize “knowingly”—hire and employ aliens not eligible to work in this country. It required employers to check the identity and work eligibility documents for all new employees.

Today, if the documents provided by an employee reasonably appear on their face to be genuine, then the employer has met its document review obligation, and it has reason to believe it hired somebody who was legally in the country. So they are off the hook. They can't be fined or any other action taken against the employer. But beyond those documents, the employer cannot solicit any additional documents from the worker, or they would face allegations of employment discrimination. The easy availability, as we all know, of counterfeit documents has made a mockery of that law that we passed in 1986 which, quite frankly, I was here and I voted for. We thought it would solve all of our problems.

Well, we went from 1 million people being here illegally to 12 million people, so obviously it didn't solve anything. That is because fake documents are produced by the millions and can be obtained cheaply. Thus, our immigration policies benefit unscrupulous employers who do not mind hiring illegal aliens but want to show that they have met the legal requirements, and then the word “knowingly” being in the law, if they have reason to believe legally, even if they are here illegally, unless the employer knows absolutely they are not here illegally, then they are off the hook. The problem is, you have a lot of these employers who know that even though the documents are fraudulent, that the person is here illegally, they hire them and never get caught. So we have tried to put this basic pilot program in place to be one step beyond where we were in 1986.

Now at the same time, our policies harm employers who don't want to hire illegal aliens but have no choice but to accept those fraudulent documents that they know have a good likelihood of being that way. In response to the illegal hiring of immigrants, Congress created this basic pilot program in 1996. This program allows employers to check the status of their workers by checking one's Social Security number and alien identification number against the Social Security Administration and Homeland Security databases.

Since 1996, the system has been updated and improved. It is a Web-based

program. Employers can go online quickly and very easily when hiring an individual. It has been voluntary since its inception.

The basic pilot program was originally authorized in 1996, reauthorized in 2001, and expanded and extended again in 2003. Originally, the authorization allowed six States to participate. In 2003, the extension allowed employers in all 50 States to voluntarily use the program. The immigration bill before the Senate I have already referred to, last year and this year, would have required all employers to use the basic pilot program over a period of time, meaning phasing it in. Both the administration and Congress were poised to pass legislation mandating participation and argued that this employment verification system using Social Security was crucial to enforcing the laws on the books and getting around this problem of fraudulent documents. Moreover, during the debate on immigration this year, it was argued that the system was a needed tool for employers to check the eligibility of their workers.

I had an opportunity to have a meeting way back in January of this year with Secretary Chertoff about requiring all agencies to use the system and extending the requirement to contractors that do business with the Federal Government. The Department of Homeland Security responded by saying that 403 Federal agencies are participating in the basic pilot program. Moreover, the Department claimed it was exploring ways to verify all executive branch new hires, and its goal was to ensure that all new hires in the executive branch are verified through the basic pilot program by the end of fiscal year 2007; in other words, 3 months from now.

Currently, all congressional offices are required to use the basic pilot program. My office uses this process of checking everybody who applies to work for me, and if we are going to hire them, check with the basic pilot program—in other words, Social Security—to make sure that everything matches up. Since more than 400 agencies are already using it, including congressional offices, requiring all agencies beyond the 400 to participate would seem to me to not be overly burdensome and something we ought to do if we want to make sure we don't hire people who are here illegally; and, No. 2, that the Federal Government would set an example for other employers; and, lastly, as the effort to control the border has something to do with stopping terrorists from coming to this country, to make sure that we don't have people like that working for the Federal Government.

With this goal in mind of Homeland Security to do this for all executive branch hires by the end of this fiscal year, it seems to me to be reasonable to make sure we move to make sure that it is done. My amendment, then, clarifies, as I see it, what is existing